HON'BLE SRI JUSTICE D.S.R.VARMA
AND
HON'BLE SRI JUSTICE D.APPA RAO

W.P.NO.12535 OF 2007

DATED: 30.7.2007

Between:

Bandi Sarojini

... Petitioner

and

The SHO, Arundalpet Police Station,
Guntur District and others

...
Respondents

HON'BLE SRI JUSTICE D.S.R.VARMA
AND
HON'BLE SRI JUSTICE D.APPA RAO

W.P.NO.12535 OF 2007

ORAL ORDER: (per DSRV.J)

Heard the learned Government Pleader for Home, representing the learned Advocate General, appearing for the respondents.

2. This writ petition is taken up on the basis of a 'telegram', dated 17.05.2007, by one Bandi Sarojini, W/o. late Bandi Sundararao, R/o. D.No.7-2-231/103, Nirupedala Colony, 2nd line, Guntur, to the Hon'ble the Chief Justice, High Court of Andhra Pradesh, Hyderabad, alleging that her son by name Rajendra Babu (for brevity "the missing person"), aged about 20 years, is found missing in the company of one K. Hanumantha Rao, aged about 30 years, R/o D.No.16-16-363, Guntur Municipal Corporation, Guntur District.

3. In the counter-affidavit, filed by the Assistant Sub-Inspector of Police, Arundalpet Law and Order Police Station, Guntur District, who is in-charge Station House Officer, it is stated ***inter alia*** that upon enquiry from K. Hanumantha Rao, it is revealed that the missing person was drowned in the waters at Marina Beach, Chennai, while both of them were swimming; that, initially, on a complaint alleging that the said Hanumantha Rao to be the suspect behind the death, a case in Cr.No.157 of 2007 was registered under the head 'man missing' and that on enquiry, it is revealed by the said Hanumantha Rao that he lodged a complaint

before the police at Chennai as to the death of missing person and accordingly a case in Cr.No.253 of 2007 was registered under the head 'man-missing'. Therefore, both the crimes are pending investigation by both the police at Guntur and Chennai.

4. In view of the revelations in the counter-affidavit, the question of production of the alleged missing person is not possible and in view of the further fact that investigation is still going on, we are of the view that no further adjudication in this matter is essential, at this stage.

5. Accordingly, the writ petition is closed. No costs.

D.S.R.VARMA, J

D.APPA RAO, J

Date: 30.07.2007
cvm